



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Examining Operations

TECH CENTER 1600/2900

RECEIVED
MAY 31 2002

Applicant(s): Koenig et al
Serial No: 09/645,835
Filed: 25 August 2000
TITLE: PNEUMOCOCCAL PROTEIN HOMOLOGS AND FRAGMENTS FOR VACCINES
Docket No.: 469201-493

Art Unit: 1653
Examiner: Kam, C.

BOX AF
Commissioner for Patents
Washington, D.C. 20231

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Sir:

Applicant hereby appeals to the Board of Appeals from the Decision dated 11 December 2001 of the Primary Examiner finally rejecting claims 25-37 of the above-referenced application for patent.

Applicant requests the Commissioner to note the following items:


1. A response to the final rejection was is being filed herewith.
2. A Petition for an Extension of Time under 37 CFR 1.136(a) is being filed herewith for an extension of three months (from 11 December 2001 until 11 June 2002) to respond to the final rejection. The fee for this three month extension is \$920.00 for a large entity.
3. Applicant is a large entity and the fee for filing this Notice of Appeal is \$310.00.

#12/
Jm
5/31/02

05/28/2002 RICHDAF1 00000044 030678 09645835
10.00 CH 310.00 DP
02 FC:119

4. A check for \$1230.00 (\$310 for Notice of Appeal plus \$920 for a three month extension of time) is enclosed herewith.

No additional fee is believed due in filing this Notice of Appeal. The Commissioner is requested to charge any additional fees, or credit any refunds, to Deposit Acc't No. 03-0678.

| | |
|--|------------------------|
| EXPRESS MAIL CERTIFICATE | |
| Express Mail Label No. EF010575959US | |
| Deposit Date: 22 May 2002 | |
| I hereby certify that this paper and the attachments hereto are being deposited today with the U.S. Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above addressed to: | |
| BOX AF Commissioner for Patents Washington, DC 20231 | |
|  Alan J. Grant, Esq. | <u>5/22/02</u> Date |

Respectfully submitted,



Alan J. Grant, Esq.
Reg. No. 33,389
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
6 Becker Farm Road
Roseland, NJ 07068
Tel. No.: (973) 994-1700